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**FOOD & AGRICULTURAL IMPORT REGULATIONS:
INDONESIA****DISCLAIMER:**

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Jakarta, Indonesia for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

EXECUTIVE SUMMARY

Many of Indonesia's regulations related to marketing food are either not enforced at all, or are only enforced in a haphazard manner. While a review of relevant regulations is important, the reality of what actually occurs in practice may be quite different. Therefore, it is essential that exporters confer with local importers/agents to determine prevailing requirements on imports.

A comprehensive law concerning foodstuffs was signed into force in 1996, but essential regulations required to implement the law entered into force in 2000. Changes within recent years have seen a reduction of the Government's controls on food imports and distribution, but imports are still highly regulated. The most difficult problem for exporters shipping high value products may be the requirement that all imported products be registered. This can be a long and onerous process, but experienced local agents can get it accomplished. Another significant piece of legislation was the Consumer Protection Act of 1999, which includes general provisions applicable to food retailing. Imports of meat are always subject to shifting regulations and requirements. Due to the finding of a BSE case in the United States, as of 1 July 2005, U.S. beef imports were banned, with a grace period for trade in process provided until 31 August 2005.

Food imports require product registration with the National Agency of Drugs and Food Control (BPOM) and some products require additional approvals. Food additives require approval, and special labeling requirements apply. Food labels are to be in the Indonesian language and must be easily understood by consumers. Mandatory information includes the product name, weight or volume in metric units, use by date, production code, BPOM registration number, and the name and address of the manufacturer or importer. Stickers are acceptable. Certain foods, meat, poultry, and dairy products for example, are also required to have Halal labeling. Nutritional labeling is not mandatory, but is subject to regulation if applied. The law requires the industry to inform consumers of nutritional requirements as well as list quantitative values of nutritional constituents. Misleading information is forbidden and breaches are subject to criminal proceedings.

Packaging is legislated to provide for safety from contamination but no "green" regulations apply. There are no laws affecting waste disposal, except as applicable to time expired food.

The use by date is to be determined by the manufacturer and must be shown on the label or on the package. The date may not be changed from the date placed by the original manufacturer. While the date may be of the form "best before", it is actually interpreted as an expiry date. After the use by date passes unsold food must be destroyed, or otherwise disposed of under the approval of the National Agency of Drugs and Food Control (BPOM).

SECTION I. FOOD LAWS

Republic of Indonesia Act No. 7 of 1996 concerning Food (*Undang-undang Republik Indonesia Nomor 7 tahun 1996 tentang Pangan*) is the most comprehensive legislation governing production, import and distribution of foodstuffs. Although this was signed into force in November 1996, many of its provisions have taken a long time to be enacted. For example, the Act included five clauses concerning labeling of packaged food, but an adjacent clause states that four of those five clauses would be further clarified by an additional Government Regulation. Until the required regulations are in force, the affected provisions of the Act would not be enforced.

Other significant legislation concerning food and agricultural imports include:

- Law Number 6 of 1967 concerning Essential Stipulations for Animal Husbandry and Health of Livestock.
- Law Number 9 of 1985 concerning Fisheries.
- Law Number 12 of 1992 concerning Cultivation of Plants.
- Law Number 23 of 1992 concerning Health.
- Law Number 25 of 1992 concerning Cooperatives.
- Law Number 9 of 1995 concerning Small Business.
- Law Number 10 of 1995 concerning Customs Tariff.
- Law Number 8 of 1999 concerning Consumer Protection.

In addition to the Acts listed above there are a number of Presidential Instructions, Ministerial Regulations, Ministerial Decisions and Departmental Determinations that regulate food production, import and distribution. A list of matters covered by these authoritative documents is included at Appendix A.

Food Act (UU No 7/1996)

The broad scope of the Food Act of 1996 can be seen in its preamble, which includes the following statements:

- Food is a basic need of mankind and fulfillment of that need is a basic right of all Indonesians.
- Food that is safe, of good quality, nutritious, diverse, and provided in adequate quantity is the primary condition that must be achieved to provide a nutritional system protecting the health and improving the well being of society.
- Food as a commercial commodity requires an honest and responsible trading system so that sustenance is available within the purchasing power of the society and the trade in food can play a role in national economic growth.

The definition of food in the Act further indicates its comprehensive coverage:

'Food is everything that originates from biological sources and from water, either processed or unprocessed, that is intended to be eaten or drunk by humans, including food additives, basic food materials and other materials used in the preparation, processing and/or manufacture of food and drink.'

The official amplification appended to the legislation states that the Food Act covers the following aspects:

- Technical criteria concerning food - covering safety, quality and nutrition as well as provisions for labeling and advertising foodstuff.
- Responsibilities of those who produce, store, transport and/or distribute food, together with legal sanctions to enforce the determinations. (This aspect includes import and export of foodstuff.)
- The role of government and society in achieving self-sufficiency in food and diversity in the foodstuffs consumed.
- The role of government in fostering a domestic food industry aiming to improve the characteristics of food for domestic consumption and for export.

The Act contains the following chapters and sections:

1. Food Safety covering:
Sanitation.

- Food additives.
- Genetic engineering and irradiation.
- Food packaging.
- Quality assurance and laboratory testing.
- Contaminated food.
- 2. Food Qualities and Nutrition:
 - Food quality.
 - Nutrition.
- 3. Labeling and Advertising Food:
- 4. Imports and Export of Food:
- 5. Legal Responsibility within the Food Industry.
- 6. National Resilience in Food.
- 7. Participation by Society.
- 8. Monitoring and Enforcement.
- 9. Criminal Provisions.
- 10. Delegation of Supplementary Tasks and Responsibilities.
- 11. Other provisions (Government may override the Act in an emergency).
- 12. Effect on earlier acts (remain in force unless in contradiction with the Act).
- 13. Closing provision (the Act is valid from the date of enactment).

SECTION II. LABELING REQUIREMENTS

General Labeling

Requirements for labeling of food products are broad in scope and in a phase of transformation. Changes resulting from the Food Act 1996 and the Consumer Protection Act 1999 came into effect in 2000. However, many of these requirements are still not enforced.

Previously existing labeling regulations remain in force, except where they are in conflict with the new law. The "old" regulations are contained in the following ministerial and departmental regulations:

- Minister for Health Regulation No. 79 of 1978 concerning Food Labels and Advertisements
- Minister for Health Regulation No. 76 of 1975 concerning Distribution and Labeling of Sweetened Condensed Milk
- Joint Decree by Minister for Health and Minister for Religion No. 68 of 1985 concerning the Inscription "Halal" on Food Labels
- Minister for Health Regulation No. 280 of 1976 concerning Distribution and Labeling of Foodstuff Containing Material Originating from Swine
- Minister for Health Regulation No. 826 of 1987 concerning Irradiated Foodstuff
- Director General for Control of Food and Medicine No.02240/B/SK/VII/1991 concerning a Guide to Quality Criteria and to Labeling and Advertising Food.

The latter document is the most comprehensive, outlining detail of the policy as interpreted in 1991 for implementing the Minister's regulation No. 79 issued in 1978. The director general who issued the guide is the public official responsible for enforcing the legislation.

All food packaged for sale must be labeled using:

- The Indonesian language,
- Roman text
- Arabic numerals.

- The writing must be firmly affixed and clear so as to be easily understood by the community.

Required items for labels under the Food Act 1996 include as a minimum:

- The name of the product.
- A list of ingredients.
- Net weight or net volume - using metric units.
- Name and address of the manufacturer or importer.
- Information whether the product is "Halal" (Pure by Islamic standards).
- Date of expiry. (Expiry date is amplified in Section VI of this report.)

The Act further states that the Government may stipulate additional items for inclusion, or may ban certain items from appearing on labels. Items that would therefore be required include:

- Production date as required by the Consumer Protection Act 1999.
- On sweetened condensed milk: the words "*Perhatikan! Tidak cocok untuk bayi.*" (Beware! Not suitable for babies) to be written in Indonesian in red 'universe medium corps 8' font and enclosed in a red rectangle.
- On products derived from swine: the words "*MENGANDUNG BABI.*" (Contains pork) to be written in red 'universe medium corps 12' font and enclosed in a red rectangle together with a drawing of a pig.
- Irradiated packaged food must carry a logo and the word "*RADURA*", together with phrases that indicate the reason for irradiation. Also required are the name and address of the radiation facility, the month and year of irradiation and the country in which the process was carried out.
- "*Minuman keras*" (Hard liquor) is to be written on all alcoholic beverages.
- "*Bahan tambahan makanan*" (food additive substance) to be printed in accordance with the relevant regulation.

The National Agency of Drugs and Food Control (BPOM) registration number is required on all labels.

Regulated or prohibited claims or implications under pre-1996 legislation include:

- On baby food it is not permissible to state or imply that the food can replace a mother's milk.
- A label is not permitted to imply that the contents have an advantage over products that do not carry a nutritional claim on their label.
- A special claim is not permitted if the nutritional value derives from associated food items. For example a breakfast cereal package may not include the nutritional contribution of the milk and sugar normally added.
- A claim for benefit to health must be supportable on the basis of the product composition and normal daily consumption.

U.S. labels would be unacceptable unless they meet all the requirements of the Indonesian law, but stick on labels meeting Indonesian requirements may be affixed. Foreign language in addition to the mandatory Indonesian labeling may be used. In general, although they can be widely found on retail products, foreign expressions are discouraged since they are seen as potentially misleading to a majority of the population. Moreover, Indonesia has an indigenous list of recommended daily average (RDA) nutritional intakes, and therefore US comparisons to RDA would be invalid. In reality, there is an abundance of retail products with two or more types of languages on the labels.

The National Agency of Drugs and Food Control (BPOM) may require food carrying a label in breach of regulations to be withdrawn from circulation. The Agency suggests that labels be

presented for approval by the Head of Agency to obviate sanctions after a product has been released on the market. The suggestion has merit, but no regulation exists to require approval before release.

Labeling regulations are primarily applicable to packaged food for retail sale. Food delivered in bulk for repackaging or industrial use is subject only to requirements associated with irradiated foodstuff or food additives.

Enforcement of the labeling regulations is the responsibility of the National Agency of Drugs and Food Control (BPOM). The amount of packaged food in the market place that does not comply with the rules indicates that the Agency does not have sufficient resources to enforce the law. Breaches would normally come to notice only in the event of a complaint - most likely from a consumer group, a religious movement or a competitor.

Nutritional Labeling

Nutritional labeling to date has been sporadic and varied. The regulatory document is the guide to food labeling issued by the Director General for Control of Food and Medicine in 1991 (now is under National Agency of Drugs and Food Control (BPOM)). Since that document is a "guide" nutritional labeling is a voluntary practice.

Nutritional labeling is considered an educational service. Consequently labels are not permitted to lead consumers to believe that a certain amount of a particular substance must be consumed on a daily basis to ensure health. The view is that individuals have different requirements, and therefore no daily requirement should be promoted. Any claim for benefit to health must be supportable on the basis of the product composition and normal daily consumption. Implied claims are not acceptable because they tend to mislead and do not fit the concept of informing consumers of nutritional facts.

The Agency view is that claims for therapeutic or physiological benefit can be divided into three classes:

1. Nutritional claims relating to the food's value as a source of energy, protein, vitamins or minerals in two divisions: identification of the elements present and clarification of their benefits.
 - The nutritional elements must be listed and quantified. CODEX standards are to be used by preference, but are not permitted to conflict with the Departmental guidelines.
 - Clarification of the benefits of the food elements is intended to improve the general knowledge of nutritional requirements in the society. The clarification is not an essential addition to the listing of nutritional values, but if included it must be an addition, not substituted for the quantified list.
2. Therapeutic claims relating to benefit in curing a disease or health condition.
 - Food for the treatment of obesity or diet food may only be identified as such if the calorific value is at least 25% lower than regular food of the same type.
 - Food may be identified as "diabetic food" only if it does not contain carbohydrate, or the carbohydrate content is far lower than regular food of the type, or the carbohydrate content is stated on the label. Diabetic food may not be labeled "low in sugar" or "free of sugar" if the food contains carbohydrate.
3. Claims that a foodstuff has tonic or restorative effect. In this respect:
 - It is forbidden to claim that one foodstuff can ensure good health.
 - A claim that a foodstuff constitutes a tonic is not permitted. In general the word "tonic" should not be used except for "tonic water".

Health claims must be substantiated by legitimate research. Only a functional claim that is not misleading is permitted. Examples of acceptable claims are:

- Fiber helps to improve digestion.
- Fat free produce is good for the heart.
- Calcium aids in the development of strong bones and teeth.
- Iron is a factor in red blood cell formation.

Examples of non-acceptable claims are:

- Omega 3 develops the brain cells and intelligence.
- Calcium prevents osteoporosis and bone fractures.
- Iron prevents anemia.

The foregoing examples are taken from an article published by the National Agency of Drugs and Food Control (BPOM).

In addition to the provisions specifically for food labeling, the Consumer Protection Act 1999 contains general provisions against misleading claims. The provisions are wide ranging and apparently give consumers a high degree of protection from unethical business practices. However, enforcement of the provisions is still lax.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Packaging is regulated under the Food Act of 1996 as follows:

- Any person producing food for sale is forbidden to use any material that has been banned and/or can release contaminants that are dangerous or prejudicial to good health.
- Food for sale is to be packaged using methods to avoid spoiling or contamination.
- The Government will decide materials forbidden for use in packaging, and methods for packaging certain food
- If the effects of a packaging material on human health are not known, it must be not be used before being checked for safety. New types of material may be used for packing food only after receiving Government agreement.
- No person is permitted to unwrap and re-pack food, except in the case of bulk food intended to be packed into smaller packages.

There are no industry regulations or practices applicable to package size. Weights and measures used are metric, but imperial sizes labeled with the corresponding metric value are acceptable. Waste disposal is not regulated, except as covered in Section VI for time expired food.

SECTION IV. FOOD ADDITIVE REGULATIONS

The Food Act 1996 states that food additives are not to be used if they have been banned, or may not exceed specified limits. This implies a "negative" regulation of food additives, but the subsequent clause states that the Government will determine which substances are banned as food additives and/or may be used in food production and also the content limit. Hence the regulation is "positive" in that the Government states those additives that may be used.

Moreover, a regulation issued by the Director General for Control of Food and Medicine, No. 02592/B/SK/VIII/91 makes it clear that all uses of food additives require approval. The

process to request approval is detailed in that regulation, including sample forms to be completed and sample approval forms. Approval is the prerogative of the Director of Food Safety Evaluation, a subordinate of the Deputy of Agency for the National Agency of Drugs and Food Control (BPOM). The regulation states that approval will be based on assessment against guidelines prepared by the Head of Agency.

Approved food additives may be used subject to limitations or conditions in the approval granted. They may also be used in other food products provided that their use does not contravene special conditions for that product.

Every import of food additives must be reported in writing to the Division of Food Certification, BPOM after the goods arrive in harbor. The report must include:

- The name of the substance and batch quantity and weight.
- The name and address of the importer.
- The name and address of the exporter.
- The name and address of the producer.
- The port and date of lading.
- The port of destination and date of arrival.
- The name, nationality and registration number of the ship or aircraft carrying the food additive import.
- The name and address of the warehouse and date into store.
- An outline of any accidents that may have occurred during shipping.

A certificate of analysis for the applicable batch must accompany every import of food additives. The certificate may be issued by the production plant or by the responsible authority in the country of origin. Before the import is cleared from the point of entry the Director of Food Certification, BPOM must agree the certificate. If a certificate does not accompany an intended import, then a certificate must be requested from the Director of Food Certification before the food additive shipment may enter the country. The certificate must include:

- Date that the sample was taken.
- Batch number of the product
- Test date.
- Test method.
- Statement that the test result was in accordance with criteria for the product.

A food additive product from an animal source must also have a certificate of conformity with Islamic purity "Halal". That certificate is to be issued by the responsible authority in the country of origin.

Food additives produced, imported or distributed must comply with the Indonesian Food Codex or conditions approved by the National Agency of Drugs and Food Control (BPOM). For food additives not listed in the Indonesian Codex, or not having conditions determined by the National Agency of Drugs and Food Control (BPOM), the FAO/WHO Codex Alimentarius Commission or Food Chemicals Codex is applicable.

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Pesticide and other contaminants are positively regulated, in general by the Food Act 1996 and in detail by a joint decree by the Minister for Health and the Minister for Agriculture, plus a Health Department regulation regarding metal contamination and also one concerning microscopic organism contamination.

Regarding pesticide residues the joint decree states that:

- The maximum allowable residue for products directly or indirectly consumed by humans is as per the appended list. (Ref: *Keputusan Bersama Menteri Kesehatan dan Menteri Pertanian Nomor: 881/Menkes/SKB/VIII/1996, 711/Kpts/TP.270/8/96*).
- Agricultural products circulated in Indonesia, whether locally produced or imported, are not permitted to contain higher levels of pesticide than those in the list.
- Agricultural products imported with greater than the allowed pesticide residue must be refused.
- Tests for pesticide residue are to be conducted in a laboratory appointed by the Minister for Health or the Minister for Agriculture.
- The Minister for Health and the Minister for Agriculture will monitor and enforce the joint decree according to their tasks and functions.
- The Minister for Health and the Minister for Agriculture will act in concert to make changes to the joint decree.

The list appended to the joint decree includes 218 pesticides and a number of potentially contaminated agricultural products for each pesticide. Example entries and the layout are as follows:

No.	Pesticide	Commodity		Maximum (mg/kg)
		Indonesian	English	
1	<i>Abamektin</i> (abamectin)	<i>Daging</i>	Meat	0.01
		<i>Susu</i>	Milk	0.01
2	<i>Aldikarb</i> (aldicarb)	<i>Bawang Bombay</i>	Onion	0.05
		<i>Biji-biji</i>	Cereals (dry)	0.1
		<i>Bit gula</i>	Sugar beet	0.05
		<i>Bit gula (daun)</i>	Sugar beet (leaf)	1
		<i>Buncis (kering)</i>	Beans (dry)	0.1
		<i>Daging</i>	Meat	0.01
		<i>Jagung</i>	Maize	0.05
		<i>Jagung (pakan ternak)</i>	Maize (forage)	5
		<i>Jeruk</i>	Citrus	0.2
		<i>Kacang kedelai (kering)</i>	Soybean (dry)	0.02
		<i>Kacang tanah</i>	Peanut	0.05
		<i>Kapas (biji)</i>	Cotton (seeds)	0.1
		<i>Kemiri</i>	Pecan	0.5
		<i>Kentang</i>	Potato	0.5
		<i>Kopi (biji)</i>	Coffee (beans)	0.1
		<i>Nanas</i>	Pineapple	0.5

		<i>Pisang</i>	Banana	0.5
		<i>Sorgum</i>	Sorghum	0.2
		<i>Susu</i>	Milk	0.01
		<i>Tomat</i>	Tomato	0.5
		<i>Ubi jalar</i>	Sweet potato	0.1
3	Aldrin	<i>Asparagus</i>	Asparagus	0.1

There is no provision for use of alternative standards, for example CODEX, for pesticides not listed.

Regulation No. 03725/B/SK/VII/89 issued by the Director General for Control of Food and Medicine specifies maximum allowable levels for heavy metals contamination. The list covers six metals: arsenic; lead; copper; zinc; tin and mercury. For each element an allowable level is specified for fifteen food classes, for example fruit and fruit products, soft drinks and meat and derived products. The final category is "other food not listed above" thus making the list comprehensive.

Similarly Regulation No. 03726/B/SK/VII/89 issued by the Director General for Control of Food and Medicine lists sixteen classes of food and gives allowable limits for specified micro-organisms in the food categories.

Lists giving maximum allowable contamination of pesticide, metal and microscopic organisms can be obtained from the National Agency of Drugs and Food Control (BPOM).

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

Registration

All processed food products imported must be registered with the National Agency of Drugs and Food Control (BPOM) except for:

- Processed food with a life of less than seven days at room temperature.
- Processed food representing a donation to the Government or to a Social Institution.
- Processed food in small quantities for the specific purposes of registration with the National Agency of Drugs and Food Control (BPOM), scientific research or personal consumption.

While the regulation indicates that small quantities for personal consumption do not require registration, the Customs barrier official decides the quantity permissible and so even small quantities have been seized and subjected to approval procedures.

Registration requires submission of five standard forms in triplicate together with:

- A sample of the food.
- The label (10 copies) and brochure if applicable.
- For repackaged product, the operating license of the Indonesian business involved and a letter of reference from the original production plant.
- For product produced under license, the Indonesian company's license and a letter of reference from the overseas factory.

- For imported products a reference letter from the overseas factory, a health certificate and a radiation free certificate in accordance with existing law.

Information required on the forms includes, but is not limited to, the following:

- Form A provides general information about the food, the name and address of the applicant and the factory or company.
- Form B gives the composition and quality of the product and its packaging.
- Form C covers the production process including method of cleaning the inner wrapping and closure.
- Form D explains quality control and final inspection.
- Form E lists the documents and substances submitted by the applicant.

The submission will be checked on receipt and complete submissions accepted for processing by the issue of Form M8. Incomplete submissions will be returned with Form M9, the rejection format. The cost of the registration process is not published in the regulations. Laboratory tests required would be conducted at a facility nominated by the National Agency of Drugs and Food Control (BPOM) at the expense of the applicant.

Certificates required for the import of food products include:

- BPOM Approval Registration (Form M1 or M2)
- Radiation free for specific food types (see Section VII below)
- Certification of Islamic purity standards - "Halal".
- Certificate of Health from Country of Origin (see Section VII below)
- Irradiated food Certificate (see Section VII below)
- Food additive analysis certificate (see Section IV above)
- Alcoholic liquor requirements

Following consideration, the product may be:

1. Registered with the issue of Form M1;
2. Conditionally registered with the use of Form M2; or
3. Rejected from registration via the issue of Form M 3.

SECTION VII. OTHER SPECIFIC STANDARDS

GMO's

Any producer using genetic engineering must ensure that the product is safe for human consumption before distribution.

In terms of labeling requirements for GMO's: 1) The words GENETICALLY ENGINEERED FOOD shall be contained in labels of food resulting from genetic engineering; 2) In the case of processed food which results from genetic engineering as meant in paragraph being ingredients used in certain food products, the information on genetically engineered ingredients of foods resulting from the genetic engineering on labels shall be enough. However, specific implementing provisions on the above requirements have not been issued nor has a level been set for adventitious presence; thus, GMO labeling requirements are not enforced.

Halal Certification

Islamic purity: "Halal" is important. Any imported meat products should have the halal certificates issued by approved Islamic Centers in the United States. A list of six approved Islamic Centers in the U.S. provided by the Indonesian Council of Ulama (MUI) and notified by the Ministry of Agriculture on June 18, 2005, which are:

1. Islamic Food and Nutrition Council of America (IFANCA), Chicago-Illinois: for meat, chicken, and processed products
2. Halal Food Council SEA, Salisbury, Maryland: for chicken, and processed products
3. International Institute of Islamic Thought c/q Marjac Abbatoir, Virginia: for chicken only
4. Islamic Service of Omaha (Halal Transaction), Omaha-Nebraska: for meat, and chicken
5. Islamic Service of America, Cedar Rapids – Iowa: for meat, chicken, and processed food
6. Muslim Consumer Group for Food Product, Rolling Meadows, Illinois: for meat, chicken, and processed food
7. Islamic Information Center of America, Des Palines, Illinois: for meat, chicken, and processed food
8. American Halal Foundation (AHF), Boling Brook, Illinois: for meat, chicken, and processed food

The phrase "*halal* slaughtering of poultry" refers to the slaughtering of poultry by a Moslem butcher who is physically and spiritually healthy and who performs his duties pursuant to Moslem procedures set forth in the Codex Alimentarius Commission, CAC/GL 24-1997.

Health Certificates

A health or safety certificate from the country of origin must accompany all food imports. The principle being that food may only be imported if it is accepted in its country of production. The certificate is to be issued by the responsible authority in the country of origin or the exporting country. It should state that the food is safe or fit for human consumption, and that its distribution is permitted in the country of origin.

Wine and Spirits

Alcoholic beverages are strictly controlled and subject to high rates of excise. The requirements for obtaining approval for importing alcoholic liquor are stated in several Ministerial and Departmental documents that should be researched before contemplating the export of alcohol.

Irradiation Certificates

A certificate stating that the product is not contaminated by radiation greater than the level stated is required to accompany imports of the food types listed below:

- Milk and milk products. Cs137 150 Bq/kg
- Fresh or processed fruit and vegetables. Cs137 300 Bq/kg
- Fish and seafood both fresh and processed. Cs137 100 Bq/kg
- Meat and meat products. Cs137 100 Bq/kg
- Mineral water. Cs137 150 Bq/kg
- Cereals including corn flour and barley. Cs137 300 Bq/kg

The radiation compliance certificate is to be issued by the responsible authority in the country of origin or exporting country.

Food products that may be irradiated are as follows:

- Dry spices to prevent or retard insect infestation.
- Tubers and root crops (potatoes, onions, garlic) to retard sprouting.
- Grain cereals to prevent insect infestation.

Irradiated food must be labeled as such, using the irradiation logo and the word "RADURA". A certificate that states the following information for the batch must accompany the food:

- That the food has been irradiated.
- The objective of the irradiation.
- The national or international code of the radiation facility.
- The date of treatment.
- The radiation source used with the type, quantity and batch number of the food irradiated.

Others

- Milk products have special regulations.
- Baby food has special regulations.
- Food sanitation laws are contained in the guide to good food processing.
- Seafood has a special law relating to production standards for export rather than for imports.
- Animal quarantine applies and current law should be checked before planning export of live animals.

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Copyright and trademark law is under review to meet world standards for protection of intellectual property. Indonesia is one of the countries on the US watch list for protection of intellectual property.

Trademarks should be registered with the patent office. The process requires over two years to completion, but the mark is provisionally protected from the date of lodgment.

Trademarks once registered have no limitation on period of validity.

SECTION IX. IMPORT PROCEDURES

Import procedures are relatively straightforward, but require meticulous attention to detail. Seemingly insignificant omissions or errors can result in considerable delay.

Import documents may be prepared in English, but the level of comprehension by public servants is limited. As an example Customs would not accept the term "cartage" on an invoice as meaning a freight charge because "cartage" is not in the most widely used English-Indonesian dictionary.

Documents should be concise, use simple language, and complete.

Standard documents, such as invoices, regularly used in the domestic market may not be suitable in export dealings. For example invoices that show a list price, then a discount

percentage, then a total price charged result in duty being levied on the price before discount on the basis that the list price is the "correct" price.

Customs clearance if all documentation is complete could be finished in two days. However, attention to detail is most important. Incomplete documentation could result in delays of several weeks. For example processing Health Department registration could be expected to take in the order of eight weeks if no certificate accompanies the goods.

A determination by a Government official could be appealed. However, the official's determination would invariably be couched in terms of the current legislation and hence would be unlikely to over-ruled. Indonesian Courts give judgments on the basis of perceived justice, and are not strictly bound by precedent. Hence decisions have a degree of inconsistency and unpredictability.

Rice

Rice imports are banned. The ban is in effect until December 2005, when the price and supply situation will be reviewed to determine if the ban should be extended. However, officials have stated that should there be sharp increases in prices and/or a sharp decline in supplies occur prior to that time, imports could resume. Some exceptions to this ban apply: rice for medicinal purposes, 100 percent broken rice, and some other types of rices not produced in Indonesia can be imported, but only after obtaining approval from the Ministry of Trade based on a written recommendation from the Ministry of Agriculture.

Biotechnology

On October 19, 2004, the President signed into law the ratification of Cartagena Protocol. The Ministry of Environment, with input from related ministries, finalized a "national biosafety framework," which will be used as a foundation for designing regulations to implement the Biosafety Protocol. These regulations have not yet been issued, so the signing of the Cartagena Protocol has not had any impact on trade.

In May 2005, a new regulation was issued, which names the Ministry of Environment as the focal point for approvals on foods containing Genetically Modified Organisms. This new regulation effectively halted progress on approvals already underway. Relevant ministries will need to issue new guidelines to implement the new government regulation. The process for obtaining approval to market foods containing GMOs is still unclear and no definite guidelines exist on what is required to import such foods. BPOM will continue to conduct the food safety assessments on these products, but it remains unclear exactly what will be assessed and what will be required of those seeking approval. Also, as stated above, labeling regulations pertaining to foods containing GMOs remain unenforced.

Meat and Poultry Products

Importers' requirement

An Import Permission Certificate, issued by the Director General of Livestock Services (DGLS), must accompany every import of poultry and meat. In that letter, importers must indicate the product being imported, quantity, and destination (restaurant, hotel, wet market, etc.).

Exporters' requirements

In December 24, 2002, the DGLS issued a decree letter regarding the requirements and procedures necessary for a specific country to gain eligibility to export meat and other livestock products (including poultry) to Indonesia. Below is the summary of these requirements:

First, the exporter's government should submit an official request to the office of Veterinary Public Health, DGLS, to bring the products to the country. Based on the official request, the DGLS Services will send a questionnaire to obtain information on the status of animal diseases and the food safety system in the exporting country. Upon receipt, DGLS will: 1) approve; 2) request additional information; or 3) reject the application. If approved, it is suggested Memorandum of Understanding (MOU) will be signed between the Indonesian Government and exporting, acknowledging the requirements. The MOU is void if: 1) the government of Indonesia suspends imports from a country due to a violation of health requirements and/or *halalness*; 2) in 2 (two) consecutive years the approved exporting country failed to export meat to Indonesia. An exporting country whose approval certificate is declared null and void is required to file a new application if the country plans to resume export of poultry meat or parts of poultry meat to Indonesia.

Following the approval as an exporting country, evaluation of individual slaughterhouses and processing plants is required. First, a plant that intends to export its products to Indonesia must submit an official request to the Indonesian DGLS, through an agency responsible for Veterinary Public Health. Based on the request, the DGLS sends an application form to obtain a general description of the said business unit that relates to requirements on veterinary public health. Then, the application form submitted is reviewed to determine if a plant fulfills requirements on export of its products to Indonesia. The review will recommend if: 1) On-site review is needed; 2) On-site reviews are delayed to allow for improvements or additional information; 3) Application is rejected. A team of Auditors, appointed by the DGLS, will conduct the on-site reviews. Team members will review: 1) Food safety assurance program in the establishment; 2) Halal assurance in the establishment; 3) *Halal* certificate issued by an authorized *Halal* Certification Institution. On-site reviews will apply for establishments and the *Halal* Certification Institutions or listed Islamic Organization in the country of origin. On-site reviews may also be conducted on the authorized agencies in the country of origin to verify conditions on animal diseases, animal health status and supervision system of animal-based foods safety.

Upon completion of the on-site reviews, the audit team member may either recommend an approval, a rejection or improvements/modifications. Based on the recommendation, the DGLS issues either an approval, a postponement or a rejection of the business unit to export poultry meat to Indonesia.

DGLS may also appoint Indonesian inspectors to oversee application of food safety requirements and *halal* assurances during production. The inspectors will inspect unit facilities, sanitation programs, slaughtering procedures, carcass and/or product inspections, transport and warehouse facilities, port facilities, and shipping processes.

A team of Indonesian auditors will conduct random surveillance of a processing unit that is certified to export its products to Indonesia. Surveillance is conducted at least once every 2 (two) years.

Ruminant Product Imports from the United States

Due to a new reported case of BSE in the United States, the Ministry of Agriculture banned imports of U.S. meat and other ruminant products on 1 July 2005, with a grace period provided until 31 August 2005, on for shipments that had obtained the required import permit prior to 30 June 2005. As of August, 2005 procedures and conditions for resuming this trade had still not been specified.

Poultry Products from the United States

Imports of U.S. poultry meat are effectively banned. In September 2000, the Ministry of Agriculture declared that the "Halalness" of U.S. poultry could not be guaranteed, shutting off imports. The Ministry has since further stated that trade in poultry products cannot resume until an overall review of U.S. sanitary and halal certification systems is conducted.

SECTION X. CONCLUSIONS AND RECOMMENDATIONS

As this report indicates, many of Indonesia's regulations related to marketing food are either not enforced at all, or are only enforced in a haphazard manner. Therefore, it is essential that exporters confer with local importers/agents to determine prevailing requirements on imports.

Food law in Indonesia controls domestic production, import of foodstuffs, processing and distribution. Import licensing is no longer generally required (except for meat, poultry, and other livestock products), but imported food products must be registered with the Department of Health before clearance through the Customs.

Packaged food for sale in the Indonesian market must be labeled in the Indonesian language and must conform to mandatory inclusions. The original "use by date" affixed by the producer may not be altered by the importer, and "best before ..." dates are interpreted as expiry dates. The consumer protection law requires that the date of production be shown on the package. In some cases the exporter and importer could be jointly liable for penalties if the law was not observed. Moreover strict conditions apply to some products, notably food additives and alcoholic liquor.

It is important to obtain "Halal" certification to market a food product, particularly those of animal origin. The process should be checked with the Indonesian Council of Ulama (MUI) because certification specifically for Indonesia must be obtained.

The process for registration of food is well documented and relatively straightforward, but it is time consuming and should be carried out before shipping. Typical time required for an uncomplicated approval is reported to be two months.

Transportation and storage infrastructure in Indonesia is limited, and hence availability of suitable facilities should be checked before shipping. The tropical conditions lead to rapid deterioration of products if not adequately protected.

Protection of intellectual property is underdeveloped in Indonesia, but trademarks should be registered to provide an element of protection. The process is not expensive but requires two years to complete. However, once registered the trademark remains valid indefinitely.

APPENDIX A

SUMMARY OF LAWS, REGULATIONS AND DECISIONS

The following list of laws, regulations and decisions is arranged hierarchically. With the enactment of the Food Act 1996 and subsequently the Consumer Protection Act 1999, most ministerial and departmental regulations and decisions rely on the authority of those acts, and especially the Food Act. A number of regulations are being drafted to complement the relatively new legislation. Up to date information regarding regulations should be sought from the National Agency of Drugs and Food Control (BPOM).

Acts covering most aspects of food law

- ? Republic of Indonesia Act No. 7 of 1996 concerning Food
- ? Republic of Indonesia Act No. 8 of 1999 concerning Consumer Protection

Primarily Concerned with Production and Distribution

- ? Presidential Instruction No. 2 of 1985 concerning the Coordination of Fostering and Development of National Companies.
- ? Presidential Instruction No. 2 of 1991 concerning Improving the Development and Control of Production and Distribution of Processed Food.
- ? Minister of Health Regulation No. 329/Menkes/Per/XII/1976 concerning the Production and Distribution of Food.
- ? Minister of Health Regulation No. 86/Menkes/Per/IV/1977 concerning Alcoholic Beverages.
- ? Minister of Health Regulation No. 59/Menkes/Per/II/1982 Forbidding the Distribution, Production and Import of Alcoholic Beverages not Registered with the Department of Health.
- ? Minister of Health Decision No. 23/Menkes/SK/II/1978 concerning a Guide to Good Production Practices for Food.
- ? Director General of Control of Food and Medicine Decision No. 153/B/SK/1980 concerning Procedures for Licensing Alcoholic Beverages.

Primarily Concerned with Food Quality and Safety

- ? Presidential Instruction No. 2 of 1990 concerning a Guide for the Simplification of Quality Assurance of Fresh Fish and Frozen Fish.
- ? Joint Decision by the Ministers of Agriculture, Health and Trade No.363/Kpts/IK.120/5/1990, No.248/Menkes/SKB/V/1990, No.143/ Kpb/V/1990 concerning a Guide for Implementation of Presidential Instruction No. 2 of 1990 concerning a Guide for the Simplification of Quality Assurance of Fresh Fish and Frozen Fish for Export.
- ? Joint Decision by the Ministers of Industry, Health, Trade and Internal Affairs No. 185/M/SK/5/1985, No. 242A/Menkes/SKB/V/1985, No. 756A/Kpb/V/1985, No. 22 of 1985 concerning Iodized Salt.
- ? Joint Decision by the Ministers of Health and Agriculture No. 881/Menkes /SKB/VIII/1996, No. 771/Kpts/TP.270/8/1996 concerning Maximum Levels of Pesticide Residues in Agricultural Products.

- ? Minister of Health Regulation No. 712/Menkes/Per/X/1986 concerning Health Criteria for Serving Prepared Food.
- ? Minister of Health Regulation No. 240/Menkes/Per/V/1985 concerning Substitutes for Breast Milk.
- ? Minister of Health Regulation No. 76/Menkes/Per/XII/1975 concerning Distribution and Labeling of Sweetened Condensed Milk.
- ? Minister of Health Regulation No. 180/Menkes/Per/IV/1985 concerning Time Expired Food.
- ? Minister of Health Regulation No. 208/Menkes/Per/IV/1985 concerning Artificial Sweeteners. Minister of Health Regulation No. 826/Menkes/Per/XII/1987 concerning Irradiated Food.
- ? Director General of Control of Food and Medicine Decision No. 02592/B/SK/VIII/1991 concerning the Use of Food Additives.
- ? Director General of Control of Food and Medicine Decision No. 02665/B/SK/VIII/1991 concerning Production Methods for Infant and Baby Foods.
- ? Director General of Control of Food and Medicine Decision No. 01323/B/SK/V/1985 concerning Minister for Health's Regulation No.180/Menkes/Per/IV/1985 about Time Expired Food.
- ? Director General of Control of Food and Medicine Decision No. 02942/B/SK/IX/1986 concerning Technical Procedures Guide for Quality Control of Iodized Salt at the Distribution and Consumer Level.
- ? Director General of Control of Food and Medicine Decision No. 03725/B/SK/VII/1989 concerning Limits of Metal Contamination in Food.
- ? Director General of Control of Food and Medicine Decision No. 03726/B/SK/VII/1989 concerning Limits of Bacterial Contamination in Food.
- ? Director General of Control of Food and Medicine Decision No. 02664/B/SK/VIII/1991 concerning Quality Criteria for Breast Milk Substitutes.
- ? Director General of Control of Food and Medicine Decision No. 02048/B/SK/VI/1991 concerning Procedural Guide for the Minister for Health's Regulation No.240/Menkes/Per/V/1985 about the Marketing of Substitutes for Breast Milk.
- ? Director General of Control of Food and Medicine Decision No. 02591/B/SK/VII/1991 concerning Changes to the Appendix to Minister for Health's Regulation No.180/Menkes/Per/IV/1985 about Time Expired Food.
- ? Minister of Agriculture Decision No. 745/KP/Kpts/TN240/1992 concerning the Veterinary Requirements for Imported Meat
- ? Director General of Livestock Decision No. 71/TN/690/Kpts/DJP/Deptan/2000 concerning Standard Operational Procedure for Importation of Animal and Product of Animal Origin
- ? Minister of Agriculture Letter No. TN.510/94/A/IV/2001 concerning Refusal and Preventive Actions on the Unintended Introduction of Foot and Mouth Diseases
- ? Director General of Livestock Services Decision No. 49/TN530/Kpts/DJBPP/12.02 concerning Technical Guidelines on Appraisal of Requirements on Veterinary Public Health of Poultry Meat to Indonesia.
- ? Public Law of the Republic of Indonesia No. 21/2004 concerning Ratification of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

- ? Government Regulation No. 21/2005 concerning Biosafety for Genetic Modified Product.

Primarily Concerned with Import of Food

- ? Minister of Health Decision No. 2380/Menkes/Per/VI/1979 concerning the Obligation to Include a Certificate of Analysis with Every Import of Food Additives.
- ? Minister of Health Decision No. 00474/B/II/1987 concerning the Obligation to Include a Health Certificate and Radiation Free Certificate with Food Imports.
- ? Director General of Control of Food and Medicine Decision No. 02594/B/SK/VIII/1991 concerning the Import of Food Additives.
- ? Director General of Livestock Decision No TN680/E/09.00 concerning on A Ban on Chicken Parts from the United States
- ? Minister of Trade and Industry Decision No. 643/MPP/Kep/0/2002 concerning on Import Regulation on Sugar.
- ? Minister of Trade and Industry Decision No 324/KMK.01/2002 concerning on New Import Tariff on Sugar
- ? Minister of Trade and Industry Decision No 03/Kpts/KB.410/1/2003 concerning on The Compulsory Application of Local and Imported Raw Sugar to meet a National Standard (SNI).
- ? Minister of Trade and Industry Decision No SE-20/BC/2003 concerning Regulation on Imports of Packed Food and Products Required a National Standard.
- ? Director General of Livestock Decision No 96/KL.050/F.1/12.03 concerning A Temporary Ban on Imports of U.S. Meat and Other Ruminant Products.
- ? Minister of Trade and Industry Decision No. 757/MPP/Kep/12/2003 concerning on A Temporary Ban for All Ruminant Products and Its Related Products from the United States.
- ? Minister of Trade and Industry Decision No 9/MPP/Kep/1/2004 concerning on Provisions on Import of rice.
- ? Director General of Livestock Decision No 341/HK.340/F/02.04 concerning A ban on Imports of Poultry Products and By Products from the United States.
- ? Minister of Trade and Industry Decision No 357/MPP/Kep/5/2004 concerning on Amendment of Minister of Trade and Industry Decision No 9/MPP/Kep/1/2004 concerning on Provisions on Import of Rice.
- ? Minister of Trade and Industry Letter No 71/M/XII/2004 to Minister of Finance concerning on Ban of Rice Imports in Year 2005.
- ? Minister of Trade and Industry Letter No 442/M-DAG/6/2005 to Minister of Finance concerning on Extended of Rice Imports Ban in Year 2005.
- ? Director General of Livestock Decision No 2098/HK.340/F/07.05 concerning A Temporary Ban on Imports of U.S. Meat and Other Ruminant Products.

Primarily Concerned with Registration of Food

- ? Minister of Health Regulation No. 382/Menkes/Per/VI/1989 concerning Registration of Food.
- ? Minister of Health Decision No. 1700/B/SK/VIII/1982 concerning criteria for Rejection of Registration of Certain Types of Liquor and Food or Drinks that Contain Alcohol.

- ? Director General for Control of Food and Medicine Decision No. 03537/B/SK/VI/1989 concerning Procedural Guide for the Minister for Health's Regulation No. 382/Menkes/VI/1989 about the Registration of Food.
- ? Director General for Control of Food and Medicine Decision No. 02593/B/SK/VIII/1991 concerning Procedures for the Registration of Food Additive Producers and Products.

Primarily Concerned with Labeling of Food

- ? Joint Decision by the Ministers for Health and Religion No.427/Menkes/SKB/VIII/1985, No.68 of 1985 concerning the Printing of Halal" on Food Labels.
- ? Minister of Health Regulation No. 280/Menkes/Per/XI/1976 concerning the Distribution and Labeling of Food Containing Substances Originating from Swine.
- ? Minister of Health Regulation No. 79/Menkes/Per/III/1978 concerning Labeling and Advertising Food.
- ? Director General for Control of Food and Medicine Decision No. 02240/B/SK/VII/1991 concerning a Guide to Quality Criteria and Labeling and Advertising of Food.

APPENDIX B

REGULATORY AGENCIES AND RELEVANT ASSOCIATIONS

Ministry of Finance**Director General for Customs and Duties**

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Ministry of Agriculture**Director General for Food Crops**

Jalan AUP

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Director General for Livestock Services (DGLS)Building C, 6th Floor

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Director General for Agricultural Processing and MarketingBuilding D, 2nd Floor

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Agency for Agricultural QuarantineBuilding E, 5th Floor

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Ministry of Trade**Director General for Foreign Trade**Building I, 4th Floor

Jalan M.I. Ridwan Rais No. 5

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Ministry of Industry**Directorate General for Chemical Industry, Agros & Forest Products**Jalan Gatot Subroto No. 52-53, 18th Floor

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National Logistics Board - BULOG**Head**

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National Standardization Agency - BSN

Chairman

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Chairman

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Indonesian Consumer Organization - YLKI

Chairperson

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